

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Arizona Dream Act Coalition, et al.

Plaintiffs,

v.

Janice Brewer, et al.,

Defendants.

No. 02:12-cv-02546-DGC-PHX

**DECLARATION OF JULIA A.  
GOMEZ IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AWARD  
OF ATTORNEYS' FEES AND  
RELATED NON-TAXABLE  
EXPENSES**

I, Julia A. Gomez, declare as follows:

1. I am a Staff Attorney at the Mexican American Legal Defense and Educational Fund ("MALDEF") and make the following statements based on my personal knowledge, except where otherwise indicated.

2. This declaration is submitted in support of the Plaintiffs' Motion for Award of Attorneys' Fees and Related Non-Taxable Expenses in the underlying action, *Arizona Dream Act Coalition, et al. v. Janice Brewer, et al.*, No. 02:12-cv-02546-DGC-PHX.

3. MALDEF, the ACLU of Arizona, the ACLU Immigrants' Rights Project, and the National Immigration Law Center ("NILC") represent Plaintiffs. MALDEF has represented Plaintiffs since 2012 when Plaintiffs filed the complaint.

**Background on MALDEF**

4. MALDEF is a national nonprofit legal organization employing attorneys in four regional offices across the United States. MALDEF specializes in civil rights impact litigation on behalf of Latinos in the areas of education, employment, political access, and immigrants' rights. Beginning with MALDEF's first case, a successful challenge to the exclusion of Mexican Americans from juries in Bexar County, Texas, MALDEF has

1 maintained an active docket of civil rights litigation that has resulted in significant  
2 advancement in the civil rights of Latinos in the United States. Among other important  
3 cases, MALDEF successfully litigated: *White v. Regester*, 412 U.S. 755 (1973), which  
4 helped establish minority vote dilution as a cognizable claim; *Plyler v. Doe*, 457 U.S. 202  
5 (1982), which established the right of children to attend K-12 public school regardless of  
6 immigration status; and *LULAC v. Perry*, 548 U.S. 399 (2006), which overturned the 2003  
7 Texas congressional redistricting plan as discriminatory against Latino voters.

### 8 **Background and Expertise of MALDEF Counsel**

9         5. In addition to myself, several current and former MALDEF counsel and staff  
10 worked on this case. They are Thomas A. Saenz, President and General Counsel; Victor  
11 Viramontes, former National Senior Counsel; Nicolás Espíritu, former staff attorney;  
12 Jorge Castillo, former staff attorney; Juan Rodriguez, staff attorney; Andres Holguin-  
13 Flores, staff attorney; Adriana Garcia, former legal fellow; Marcos Gomez, former legal  
14 secretary; and Roxana Ontiveros, legal secretary. In the exercise of billing judgment,  
15 MALDEF is not seeking reimbursement for the time spent on this matter by Mr. Saenz,  
16 Mr. Espíritu, Mr. Rodriguez, Mr. Gomez, or Ms. Ontiveros.

17         6. **Victor Viramontes.** During the relevant period, Victor Viramontes was a  
18 member in good standing of the State Bar of California since his admission in 2001. To  
19 the best of my knowledge, during the relevant time frame Mr. Viramontes was admitted to  
20 practice in the Central, Northern, and Eastern Districts of California, the Ninth and  
21 Eleventh Circuit Courts of Appeal, and the United States Supreme Court. Mr. Viramontes  
22 received a Bachelor of Arts degree from Stanford University in 1995, and a Juris Doctor  
23 degree from Yale Law School in 1999. From 1999 to 2000, he clerked for the Honorable  
24 Carlos R. Moreno in the Central District of California. From 2000 to 2001, he was an  
25 associate at Heller Ehrman White & McAuliffe, where he primarily worked on intellectual  
26 property and complex civil litigation matters, including antitrust class actions. From 2001  
27 to 2005, Mr. Viramontes was a staff attorney in MALDEF's Western Regional Office.  
28 From 2005 to 2010, he was a trial lawyer at the United States Equal Employment

1 Opportunity Commission (“EEOC”), and became a senior trial lawyer in or about 2008.  
2 At the EEOC, Mr. Viramontes litigated complex class action cases on behalf of groups of  
3 employees, primarily under Title VII. Mr. Viramontes and the EEOC secured multi-year  
4 consent decrees with monetary compensation for plaintiffs and class members in many of  
5 these cases, and in *EEOC v. ABM*, No. 1:07-cv-01428 (E.D. Cal.), and *EEOC v. Caesar’s*  
6 *Palace*, No. 02:05-cv-00427 (D. Nev.), he and the EEOC secured seven-figure settlements  
7 on behalf of their clients. From 2010 to 2017, Mr. Viramontes was National Senior  
8 Counsel at MALDEF’s National Office. Mr. Viramontes is currently a judge of the  
9 Superior Court of Los Angeles County, California.

10 7. During his time as National Senior Counsel at MALDEF, Mr. Viramontes  
11 litigated and supervised litigation across the country in all four of MALDEF’s practice  
12 areas: employment, immigrants’ rights, political access, and education. His litigation  
13 experience includes the following complex federal cases: *Valle del Sol, Inc., et al. v.*  
14 *Whiting, et al.*, No. 2:10-cv-01061-SRB (D. Ariz.) (co-counsel in certified class action  
15 alleging First, Fourth, and Fourteenth Amendment violations and preemption challenges to  
16 Arizona’s immigration law, Senate Bill 1070); *Hispanic Interest Coal. of Ala. v. Bentley*,  
17 No. 11-cv-2746-SLB (N.D. Ala.) (co-counsel in challenge to Alabama immigration law,  
18 House Bill 56); *Ga. Latino Alliance for Human Rights, et al. v. Alford, et al.*, No. 1:16-cv-  
19 00757-WCO (N.D. Ga.) (co-counsel in challenge to policy and practice of denying in-state  
20 tuition to certain non-citizens); *Lowcountry Immigration Coal., et al. v. Haley, et al.*, No.  
21 11-cv-2779-RMG (D.S.C.) (co-counsel in Supremacy Clause challenge to South Carolina  
22 immigration law, Senate Bill 20); *Valenzuela, et al. v. Ducey, et al.*, No. 2:16-cv-03072-  
23 DGC (D. Ariz.) (co-counsel in class action challenging Arizona’s policy of denying  
24 driver’s licenses to deferred action recipients on preemption and equal protection  
25 grounds); *Flores, et al. v. City of Westminster, et al.*, No. 8:11-cv-00278-DOC-RNB (C.D.  
26 Cal.) (lead counsel in case where Latino police officers faced workplace retaliation and  
27 were denied promotions because of their race).

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1           8.       Mr. Viramontes worked on *Arizona Dream Act Coalition, et al. v. Janice*  
2 *Brewer, et al.*, No. 02:12-cv-02546-DGC-PHX, from 2012, when the Plaintiffs filed the  
3 complaint, until his departure from MALDEF in 2017.

4           9.       ***Jorge Castillo***. At all relevant times, Jorge Castillo was a member in good  
5 standing of the State Bars of New York (2011) and California (2013). To the best of my  
6 knowledge, Mr. Castillo is admitted to practice in the Ninth Circuit Court of Appeals and  
7 the Southern and Eastern Districts of New York. He received a Bachelor of Arts degree  
8 with honors from Washington University in St. Louis in 2006, and a Juris Doctor degree  
9 from New York University School of Law in 2010. From 2011 to 2012, he was a  
10 litigation associate at the law firm of Fried, Frank, Harris, Shriver and Jacobson LLP.  
11 From 2013 to July 2016, he was a staff attorney in MALDEF's Western Regional Office.  
12 To the best of my knowledge, Mr. Castillo is currently a trial attorney in the Voting  
13 Section of the United States Department of Justice.

14           10.       During his time at MALDEF, Mr. Castillo served as counsel in other cases  
15 that comprised a portion of MALDEF's docket, including cases in the areas of  
16 immigrants' rights and employment. His litigation experience includes the following  
17 complex federal cases: *Valle del Sol, Inc., et al. v. Whiting, et al.*, No. 2:10-cv-01061-SRB  
18 (D. Ariz.) (co-counsel in certified class action alleging First, Fourth, and Fourteenth  
19 Amendment violations and preemption regarding Arizona Senate Bill 1070); *Rocha*  
20 *Herrera v. Finan, et al.*, No. 7:14-cv-02255-BHH (D.S.C.) (co-counsel, bringing equal  
21 protection and substantive due process challenge to states' policy and practice of  
22 classifying dependent United States citizens as non-residents on the basis of a parent's  
23 immigration status); *Ga. Latino Alliance for Human Rights, et al. v. Alford, et al.*, No.  
24 1:16-cv-00757-WCO (N.D. Ga.) (co-counsel, challenging policy and practice of denying  
25 in-state tuition to certain non-citizens); *Ortega Melendres, et al. v. Maricopa Cnty., et al.*,  
26 No. cv-07-2513-PHX-GMS (D. Ariz.) (co-counsel in proceedings to enforce court orders  
27 requiring reforms to Maricopa County Sheriff's Office to address the Office's racial  
28 profiling and unlawful traffic stops of Latinos).

1           11. Mr. Castillo worked on *Arizona Dream Act Coalition, et al. v. Janice*  
 2 *Brewer, et al.*, No. 02:12-cv-02546-DGC-PHX, from June 2013, until his departure from  
 3 MALDEF in 2016.

4           12. **Julia A. Gomez.** I am a member in good standing of the State Bars of New  
 5 York (2014) and California (2017). I am admitted to practice in the Ninth Circuit Court of  
 6 Appeals, the Eastern District of California, and the Southern District of New York. I  
 7 received a Bachelor of Arts degree from the University of California, Los Angeles in  
 8 2008, and a Juris Doctor degree from Columbia Law School in 2013. From 2013 to 2015,  
 9 I was a litigation associate at the law firm of Fried, Frank, Harris, Shriver and Jacobson  
 10 LLP, where I litigated complex commercial cases. From 2016 to the present, I have  
 11 served as a staff attorney in MALDEF's Western Regional Office.

12           13. In my current role as staff attorney at MALDEF, I have served as counsel in  
 13 cases that comprise a portion of MALDEF's docket, including cases in the areas of  
 14 immigrants' rights and voting rights. My litigation experience includes the following  
 15 complex federal cases: *Luna, et al. v. Kern Cnty., et al.*, No. 1:16-cv-00568-DAD-JLT  
 16 (E.D. Cal.) (co-counsel successfully challenging Kern County's supervisorial map under  
 17 Section 2 of the Voting Rights Act); *Valenzuela, et al. v. Ducey, et al.*, No. 2:16-cv-03072-  
 18 DGC (D. Ariz.) (co-counsel in class action challenging Arizona's policy of denying  
 19 driver's licenses to deferred action recipients on preemption and equal protection  
 20 grounds); *Ortega Melendres, et al. v. Maricopa Cnty., et al.*, No. cv-07-2513-PHX-GMS  
 21 (D. Ariz.) (co-counsel in continuing proceedings to enforce court orders requiring reforms  
 22 to Maricopa County Sheriff's Office to address the Office's racial profiling and unlawful  
 23 traffic stops of Latinos).

24           14. I have been involved worked on *Arizona Dream Act Coalition, et al. v.*  
 25 *Janice Brewer, et al.*, No. 02:12-cv-02546-DGC-PHX, since early 2017, including  
 26 proceedings before the United States Supreme Court, settlement discussions, and this fee  
 27 motion.

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1           15.     **Andres Holguin-Flores** is a member in good standing of the State Bar of  
2 California (2015). He is admitted to practice in the Ninth Circuit Court of Appeals and the  
3 Eastern District of California. Mr. Holguin-Flores received a Bachelor of Arts degree  
4 from the University of California, Santa Barbara in 2011, and a Juris Doctor degree from  
5 Southwestern University School of Law in 2015. From 2015 to 2016, Mr. Holguin-Flores  
6 clerked for the Honorable Terry J. Hatter, Jr., in the Central District of California. From  
7 2016 to 2017, he clerked for the Honorable Harry Pregerson in the Ninth Circuit Court of  
8 Appeals. In 2017, he was an associate at the Weisz Immigration Law Group, where he  
9 represented individuals in immigration court. From 2017 to the present, Mr. Holguin-  
10 Flores has served as a staff attorney in MALDEF's Western Regional Office.

11           16.     In his current role as a staff attorney at MALDEF Mr. Holguin-Flores has  
12 served as counsel in cases that comprise a portion of MALDEF's docket, including cases  
13 in the areas of immigrants' rights and employment. His litigation experience includes the  
14 following complex federal cases: *Valenzuela, et al. v. Ducey, et al.*, No. 2:16-cv-03072-  
15 DGC (D. Ariz.) (co-counsel in class action challenging Arizona's policy of denying  
16 driver's licenses to deferred action recipients on preemption and equal protection  
17 grounds); *Jane V., et al. v. Motel 6 Operating LP, et al.*, 2:18-cv-00242-PHX-DMF (D.  
18 Ariz.) (co-counsel in challenge to Motel 6's policy and practice of reporting guests to  
19 Immigration and Customs Enforcement on grounds that this violates federal anti-  
20 discrimination statutes, the Fourth Amendment's protections against unreasonable  
21 searches and seizures, and state and federal privacy and consumer protection laws);  
22 *Ramirez-Castellanos, et al. v. Nugget, et al.*, 2:17-cv-01025-JAM-AC (E.D. Cal.) (co-  
23 counsel in lawsuit against a grocery store that subjected workers to a hostile work  
24 environment in violation of Title VII and California law).

25           17.     Mr. Holguin-Flores has worked on *Arizona Dream Act Coalition, et al. v.*  
26 *Janice Brewer, et al.*, No. 02:12-cv-02546-DGC-PHX, since December 2017, including  
27 proceedings before the United States Supreme Court, settlement discussions, and this fee  
28 motion.

1           18. *Adriana Garcia* received a Bachelor of Arts degree from Yale University in  
2 2008, and a Juris Doctor degree from Columbia Law School in 2012. From 2012 to 2013  
3 Ms. Garcia was a Columbia Law School Public Interest Fellow at MALDEF. Ms. Garcia  
4 is currently a Policy Advisor at the New York City Mayor's Office of Immigrant Affairs.  
5 Ms. Garcia was involved in this matter during her time at MALDEF in 2013. While  
6 working on this matter, Ms. Garcia conducted research on legal issues, drafted and edited  
7 briefs, assisted in the production of documents and information, assisted in attorney  
8 preparation for hearings and depositions, and communicated with clients.

9 **Hourly Rates and Relevant Market**

10           19. MALDEF is a nonprofit organization with 501(c)(3) tax exempt status.  
11 MALDEF provides all of its legal services free of charge. MALDEF did not charge any  
12 Plaintiffs for any services performed in this lawsuit.

13           20. Attached as Exhibit A are the MALDEF attorney and legal fellow time  
14 records, which include descriptions work in this matter and for which Plaintiffs seek an  
15 award of attorneys' fees. Consistent with our general practice, the records reflect the time  
16 worked on the case and a brief description of that work during the relevant time period,  
17 kept contemporaneously as work was performed. MALDEF is seeking reimbursement of  
18 1,813.7 hours for attorney and staff work in this matter, for a total of \$874,988.50 in fees.  
19 In my judgment, the time recorded in Exhibit A was necessary and reasonable.

20           21. Attached as Exhibit B are MALDEF's costs setting forth expenses incurred  
21 in connection with MALDEF's work in this matter during the relevant period for which  
22 Plaintiffs seek an award of non-taxable expenses and the corresponding invoices, receipts  
23 and/or disbursement instruments. I have redacted personal identifying information such as  
24 home addresses, personal emails, and credit card information on some of the invoices.  
25 MALDEF seeks \$13,563.78 in reimbursement for expenses.

26           22. In consultation with co-counsel, I have substantially reduced MALDEF's  
27 request for reimbursement of fees and expenses in the exercise of billing judgment,  
28 including: (1) completely omitting or reducing some time entries that are compensable in



the interest of avoiding a fee dispute regarding this fee request; (2) completely omitting entries that I thought might be considered duplicative, excessive, or otherwise non-compensable; (3) omitting multiple compensable time entries for hearings and meetings with co-counsel, even though participation of MALDEF staff was necessary for coordinating work and avoiding duplication of efforts; where multiple MALDEF staff participated on the same call, meeting, or hearing, the time records reflect that Plaintiffs have generally not billed for more than two MALDEF attorneys or staff for each event, and in many instances, MALDEF has only billed for one attorney per relevant event; (4) omitting all compensable time entries for Mr. Saenz, Mr. Espíritu, Mr. Rodriguez, Mr. Gomez, Ms. Ontiveros, and other support staff and law clerks; and (5) and omitting multiple entries for time spent on media-related tasks. In addition, MALDEF sought to delegate work and minimize the time spent on updating or coordinating strategy across-co-counsel. I also conferred with Mr. Saenz, MALDEF's President and General Counsel, regarding attorney hours and non-taxable expenses. Based on his role as my supervisor, he has also ensured that Exhibits A and B are not duplicative, excessive, or otherwise non-compensable.

23. Plaintiffs request the hourly rates set forth in the table below:

Attorney	Law School Grad Year	Rate
Victor Viramontes	1999	\$700.00
Jorge Castillo	2010	\$445.00
Julia Gomez	2013	\$360.00
Andres Holguin-Flores	2015	\$330.00
Adriana Garcia	2013 Legal Fellow	\$185.00

24. Plaintiffs are seeking Los Angeles rates for all MALDEF attorneys. To the best of my knowledge, the hourly rates above are fair and reasonable for market rates in Los Angeles for litigators in federal court of comparable skill and experience. The Expert Declaration of Carol Sobel ("Sobel Decl.") and past fee awards to MALDEF attorneys



1 confirm that these rates are fair and reasonable, and in fact are below the prevailing market  
2 rates in Los Angeles. Although the prevailing market rates are higher than the requested  
3 rates, Plaintiffs are requesting these rates in the interest of avoiding any dispute regarding  
4 this fee request.

5 25. Mr. Viramontes was awarded an hourly rate of \$625 for work performed  
6 from 2011 to 2014, in *Flores, et al. v. City of Westminster, et al.*, No. 8:11-cv-00278-  
7 DOC-RNB (C.D. Cal.). See *Flores*, No. 8:11-cv-00278-DOC-RNB (C.D. Cal. Oct. 24,  
8 2014), Doc. 284 at 12-14 (order granting motion for fee award). This was the rate  
9 requested by plaintiffs in that case. Notwithstanding the award in *Flores*, courts routinely  
10 award attorneys with similar skill and experience in the Los Angeles market an hourly rate  
11 higher than \$700 per hour, which is the rate Plaintiffs are requesting for Mr. Viramontes in  
12 this case. Sobel Decl. ¶¶ 12, 26.

13 26. Plaintiffs are requesting an hourly rate of \$445 for Mr. Castillo's work in  
14 this matter. Courts routinely award attorneys with similar skill and experience in the Los  
15 Angeles market an hourly rate higher than \$445 per hour. Sobel Decl. ¶¶ 12, 30; see also  
16 *Rodriguez v. Cnty. of Los Angeles*, 96 F. Supp. 3d 1012, 1023 (C.D. Cal. 2014) (approving  
17 \$500 hourly fee for work performed by an attorney with six years of experience in a civil  
18 rights case against Los Angeles County and law enforcement defendants).

19 27. Plaintiffs are requesting an hourly rate of \$360 for my work in this matter.  
20 Attorneys with similar skill and experience in the Los Angeles market are routinely  
21 awarded an hourly rate higher than \$360 per hour. Sobel Decl. ¶¶ 12, 38; see also  
22 *Rodriguez*, 96 F. Supp. 3d at 1023 (approving \$500 hourly fee for work performed by an  
23 attorney with six years of experience in a civil rights case against Los Angeles County and  
24 law enforcement defendants).

25 28. Plaintiffs are requesting an hourly rate of \$330 for Mr. Holguin-Flores' work  
26 in this matter. Attorneys with similar skill and experience in the Los Angeles market are  
27 routinely awarded an hourly rate higher than \$330 per hour. Sobel Decl. ¶¶ 12-13.

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29. In 2014, Ms. Garcia was awarded the requested hourly rate of \$250 for work performed in *Flores, et al. v. City of Westminster, et al.*, No. 8:11-cv-00278-DOC-RNB (C.D. Cal.). See *Flores*, No. 8:11-cv-00278-DOC-RNB (C.D. Cal. Oct. 24, 2014), Doc. 284 at 12–14 (order granting motion for fee award). MALDEF is requesting an hourly rate of \$185 for Ms. Garcia’s work in this matter. Courts routinely award recent graduates with similar skill and experience in the Los Angeles market an hourly rate higher than \$185 per hour, as evidenced by the *Westminster* fee award. Sobel Decl. ¶¶ 12, 39–40.

### **Additional Information in Support of Motion**

30. Attached hereto as Exhibit C is the following document: U.S. Citizenship & Immigration Services, *Number of Form I812-D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake and Case Status, Fiscal Year 2012-2018 (March 21, 2018)*, available at <https://bit.ly/2m4A6fR>. This document shows that, as of March 21, 2018, there are 58,526 Deferred Action for Childhood Arrivals (“DACA”) recipients in the State of Arizona. *Id.* at 4.

31. Attached hereto as Exhibit D is ADOT Policy 16.1.4, updated on December 19, 2014, which removed (c)(33)-coded Employment Authorization Documents (“EAD”) from the list of EAD category codes not accepted as proof of authorized presence. The federal government issues DACA recipients (c)(33)-coded EADs.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 13th day of July, 2018, at Los Angeles, California.



Julia A. Gomez